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MICHAEL A. CERUSSI, JR. (1949-201:
ARTHUR J. SPRING (1923-200:

March 25, 2022

Hon. Nelson S. Román
United States District Judge
United States District Court for the
Southern District of New York
300 Quarropas Street
White Plains, New York 10601

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
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DATE FILED: 03/28/2022

Re: Days (Town of Eastchester v. United)
Docket No.: 18-cv-11538 (NSR) (LMS)
Stay of briefing schedule
C&S Ref.: 250.9033-21

Dear Judge Román:

We represent the Town of Eastchester in the above matter. We write to the Court with respect to the pending motion by Westchester County (ECF # 214 & 215) for a declaratory judgment that the Town of Eastchester is contractually obligated to provide the County a defense against plaintiff Selwyn Days' remaining claims against it.

By teleconference held on March 24, 2022, Magistrate Krause agreed to re-open discovery for the limited purpose of exploring the factual underpinning for the County's claim against the Town of Eastchester. Magistrate Krause further directed that we serve our document requests on the County by March 28; that the County respond to said requests by April 27; and that we conduct the deposition of the former Commissioner of the Westchester County Department of Public Safety, Louis D'Aliso, by May 11, 2022. Magistrate Krause also scheduled a telephonic status conference in this matter for May 16 at 12:00 p.m.

MEMO ENDORSED

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In light of the above developments, we respectfully request that the pending briefing schedule be adjourned until the above discovery has been completed.

We thank the Court for its consideration of this request.

Respectfully submitted,

/S/

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VIA ECF

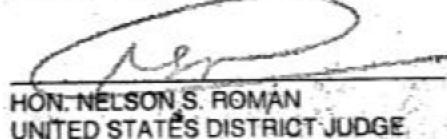
In view that the parties will engage in limited discovery with respect to Westchester County's motion for default judgment against the Town of Eastchester, the Court will deny such motion without prejudice and with leave to refile until the parties complete the limited discovery and submit a new proposed briefing schedule for the same.

The Clerk of the Court is directed to terminate the motions at ECF Nos. 214 and 224.

SO ORDERED:

Dated: March 28, 2022

White Plains, NY


HON. NELSON S. ROMÁN
UNITED STATES DISTRICT JUDGE